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8.16.010 General.

A. Title. These regulations shall be known as the property maintenance code of the city of Sherwood hereinafter referred to as this code.

B. Scope. This code is to protect the public health, safety and welfare in all existing structures, residential and nonresidential, and on all existing premises by establishing minimum requirements and standards for premises, structures, equipment, and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; fixing the responsibility of owners, operators and occupants; regulating the occupancy of existing structures and premises, and providing for administration, enforcement and penalties.

C. Intent. This code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein.

D. Referenced Standards. The standards referenced in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and referenced standards, the provisions of this code shall apply.

E. Existing Remedies. The provisions in this code shall not be construed to abolish or impair existing remedies of the city or its

officers or agencies relating to the removal or demolition of any structure which is dangerous, unsafe and unsanitary.

F. Workmanship. All repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this code shall be executed and installed in a workmanlike manner.

G. Application of Other Codes. Any repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the building, plumbing and mechanical and electrical codes as adopted by the city. (Ord. 97-1024 § 1(PM-101))

8.16.020 Validity.

A. Validity. If any section, subsection, paragraph, sentence, clause or phrase of this code shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this code which shall continue in full force and effect, and to this end the provisions of this code are hereby declared to be severable.

B. Saving Clause. This code shall not affect violations of any other ordinance, code or regulation existing prior to the effective date hereof, and any such violation shall be governed and shall continue to be punishable to the full extent of the law under the provisions of those ordinances, codes or regulations in effect at the time the violation was committed. (Ord. 97-1024 § 1(PM-102))

8.16.030 Maintenance—Required.

All equipment, systems, devices and safeguards required by this code or a previous statute or code for the structure or premises when erected or altered shall be maintained in

good working order. The requirements of this code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures. (Ord. 97-1024 § 1(PM-103))

8.16.040 Approval.

A. Approved Materials and Equipment. All materials, equipment and devices approved by the code official shall be constructed and installed in accordance with such approval.

B. Modifications. Where there are practical difficulties involved in carrying out provisions of this code, the code official shall have the right to vary or modify such provisions upon application of the owner or the owner's representative, provided that the spirit and intent of the law is observed and that the public health, safety and welfare is assured.

1. Records. The application for modification and the final decision of the code official shall be in writing and shall be officially recorded in the permanent records of the department.

C. Material and Equipment Reuse. Materials, equipment and devices shall not be reused unless such elements have been reconditioned, tested and placed in good and proper working condition and approved by the code official.

D. Alternative Materials and Equipment. The provisions of this code are not intended to prevent the installation of any material or method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material or method of construction shall be approved when the code official finds that the proposed design is satisfactory and complies with the intent of the provision of this code, and that the material, method or work offered

is for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety.

E. Research and Investigations. Sufficient technical data shall be submitted to substantiate the proposed installation of any material or assembly. If it is determined that the evidence submitted is satisfactory proof of performance for the proposed installation, the code official shall approve such alternative subject to the requirements of this code. The cost of all tests, reports and investigations required under these provisions shall be paid by the applicant. (Ord. 97-1024 § 1(PM-104))

8.16.050 Duties and powers of the code official.

A. General. The code official shall enforce all of the provisions of this code.

B. Notices and Order. The code official shall issue all necessary notices or orders to ensure compliance with the code.

C. Right of Entry. The code official is authorized to enter the structure or premises at reasonable times to inspect subject to constitutional restrictions on unreasonable searches and seizures. If entry is refused or not obtained, the code official is authorized to pursue recourse as provided by law.

D. Access by Owner or Operator. Every occupant of a structure or premises shall give the owner or operator thereof, or agent or employee, access to any part of such structure or its premises at reasonable times for the purpose of making such inspection, maintenance, repairs or alterations as are necessary to comply with the provisions of this code.

E. Identification. The code official shall carry proper identification when inspecting

structures or premises in the performance of duties under this code.

F. Coordination of Enforcement. Inspection of premises, the issuance of notices and orders and enforcement thereof shall be the responsibility of the code official so charged by the city. Whenever inspections are necessary by any other department, the code official shall make reasonable effort to arrange for the coordination of such inspections so as to minimize the number of visits by inspectors, and to confer with the other departments for the purpose of eliminating conflicting orders before any are issued. A department shall not, however, delay the issuance of any emergency orders.

G. Rule-Making Authority. The code official shall have power as necessary in the interest of public health, safety and general welfare, to adopt and promulgate rules and regulations to interpret and implement the provisions of this code to secure the intent thereof and to designate requirements applicable because of local climatic or other conditions. Such rules shall not have effect of waiving structural or fire performance requirements specifically provided for in this code or of violating accepted engineering practice involving public safety.

H. Organization. The code official shall appoint such number of officers, technical assistants, inspectors and other employees as shall be necessary for the administration of this code and as authorized by the appointing authority. The code official is authorized to designate and employ a deputy who shall exercise all the powers of the code official during the temporary absence or disability of the code official.

I. Restriction of Employees. An official or employee connected with the enforcement of

this code shall not be engaged in, or directly or indirectly connected with, the furnishing of labor, materials or appliances for the construction, alteration or maintenance of a building, or the preparation of construction documents thereof, unless that person is the owner of the building; nor shall such officer or employee engage in any work that conflicts with official duties or with the interests of the department.

J. Relief from Personal Responsibility. The code official, officer or employee charged with the enforcement of this code, while acting for the city, shall not thereby be rendered liable personally, and is relieved from all personal liability for any damage accruing to persons or property as a result of any act required or permitted in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the city until the final termination of the proceedings. The code official or any subordinate shall not be liable for costs in any action, suit or proceeding that is instituted in pursuance of the provisions of this code; and any officer of the department of building inspection, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith.

K. Official Records. An official record shall be kept of all business and activities of the department specified in the provisions of this code, and all such records shall be open to public inspection at all appropriate times and according to reasonable rules to maintain

the integrity and security of such records. (Ord. 97-1024 § 1(PM-105))

8.16.060 Violations.

A. Unlawful Acts. It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, remove, demolish, maintain, fail to maintain, provide, fail to provide, occupy, let to another or occupy or permit another person to occupy any premises, property, structure or equipment regulated by this code, or cause same to be done, contrary to or in conflict with or in violation of any of the provisions of this code, or to fail to obey a lawful order of the code official, or to remove or deface a placard or notice posted under the provisions of this code. All nuisances as defined in this code shall constitute a violation of this code. All violations of this code shall constitute a civil infraction and shall be processed according to the procedures established in subsection C of this section.

B. Penalty. Any person who shall violate a provision of this code shall, upon conviction thereof, be subject to a civil fine of up to five hundred dollars (\$500.00). Each day that a violation continues after due notice has been served shall be deemed a separate offense.

C. Infraction Procedures. When an alleged complaint is reported to the code official, the code official shall prepare a statement of the facts and shall review the facts and circumstances surrounding the alleged complaint. The code official shall not proceed further with the matter if the code official determines that there is not sufficient evidence to support the allegation, or if the code official determines that it is not in the best interest of the city to proceed. If the code official determines that a

violation has occurred the city may enforce this code by any of the following methods:

1. Citation;
2. Abatement;
3. Citation and abatement;
4. Other enforcement remedies available at law or at equity. (Ord. 97-1024 § 1(PM-106))

8.16.070 Abatement notices and orders.

A. Notice to Owner or to Person or Persons Responsible. Whenever the code official determines that there has been a violation of this code or has grounds to believe that a violation has occurred and decides that abatement procedures are appropriate, a notice of infraction shall be given to the owner or the person or persons responsible therefor in the manner prescribed in subsections B and C of this section. Notices for condemnation procedures shall also comply with Section 8.16.080C of this chapter.

B. Form. Such notice of infraction prescribed in subsection a of this section shall:

1. Be in writing;
2. Include a description of the real estate sufficient for identification;
3. Include a statement of the reason or reasons why the notice is being issued;
4. Include a correction order allowing a reasonable time for the abatement of the nuisance or repairs and improvements required to bring the premises into compliance with the provisions of this code; and
5. Include a notice of the appeal procedures under Section 8.16.110A of this chapter.

C. Method of Service. Such notice shall be deemed to be properly served if a copy thereof is sent by first class mail addressed to the

owner at the last known address, and is (a) delivered to the owner personally; or (b) sent by certified or registered mail addressed to the owner at the last known address with return receipt requested, or, (c) posted in a conspicuous place in or about the premises affected by such notice. Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible for the structure shall constitute service of notice upon the owner.

D. Time to Remedy Violation After Notice. The code official shall give the respondent a reasonable time to cure or remedy the alleged violation after the notice is sent/posted/delivered. The time allowed shall not be more than ten days. Where there is an extreme hardship, as determined by the code official, the code official may grant additional time.

E. Abatement by the City. If within the time prescribed in subsection D of this section, the violation described in the notice of infraction has not been removed and abated, or cause shown, as specified in Section 8.16.110 of this chapter, why such should not be removed and abated, the code official may cause the violation to be removed and abated. All costs incurred by the city in abating the violation, including administrative and legal costs, shall become a lien upon the real property on which the violation was abated.

F. Penalties. Penalties for noncompliance with orders and notices shall be as set forth in Section 8.16.060B of this chapter.

G. Transfer of Ownership. It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of to another unit the provisions of the compliance order or notice of

violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee, or lessee a true copy of any compliance order or notice of violation issued by the code official and shall furnish to the code official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation. (Ord. 97-1024 § 1(PM-107))

8.16.080 Unsafe structures and equipment.

A. General. When a structure or equipment is found by the code official to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure shall be condemned pursuant to the provisions of this code.

1. Unsafe Structure. An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe, or of such faulty construction or unstable foundation, that partial or complete collapse is likely.

2. Unsafe Equipment. Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health,

property or safety of the public or occupants of the premises or structure.

3. Structure Unfit for Human Occupancy. A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

4. Unlawful Structure. An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this code, or was erected, altered or occupied contrary to law.

B. Closing of Vacant Structures. If the structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the code official is authorized to post a placard of condemnation on the premises and order the structure closed up so as not to be an attractive nuisance. Upon failure of the owner to close up the premises within the time specified in the order, the code official shall cause the premises to be closed through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

C. Notice. Whenever the code official has condemned a structure or equipment under the provision of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner or the person or persons responsible for the structure or equipment in accordance with

Section 8.16.070C of this chapter. The notice shall be in the form prescribed in Section 8.16.070B of this chapter.

D. Placarding. Upon failure of the owner or person responsible to comply with the notice provision within the time given, the code official shall post on the premises or on defective equipment, a placard bearing the word "Condemned" and a statement of the penalties provided for occupying the premises, operation of the equipment or removing the placard.

E. Prohibited Occupancy. Any person who shall occupy a placarded premises or shall operate placarded equipment, any owner or any person responsible for the premises who shall let anyone occupy a placarded premises or operate placarded equipment shall be liable for the penalties provided by this code. (Ord. 97-1024 § 1(PM-108))

8.16.090 Emergency measures.

A. Imminent Danger. When, in the opinion of the code official, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the code official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The code official shall cause to be posted at each entrance to such structure a notice reading as follows: "This Structure is Unsafe and its Occupancy has

been prohibited by the Code Official." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition, or of demolishing the same.

B. Temporary Safeguards. Notwithstanding other provisions of this code, whenever, in the opinion of the code official, there is imminent danger due to an unsafe condition, the code official shall order the necessary work to be done, including the boarding-up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the code official deems necessary to meet such emergency.

C. Closing Streets. When necessary for the public safety, the code official shall temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized.

D. Emergency Repairs. For the purposes of this section, the code official shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

E. Cost of Emergency Repairs. Costs incurred in the performance of emergency work shall be paid from the treasury of the city on approval of the code official. The finance director of the city shall institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs.

F. Appeal. Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon filing a written application for appeal in accordance with Section 8.16.110 of

this chapter, have the appeal decided by the city manager. (Ord. 97-1024 § 1(PM-109))

8.16.100 Demolition.

A. General. The code official shall order the owner of any premises upon which is located any structure, which in the code official's judgment is so old, dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary or to raze and remove at the owner's option; or where there has been cessation of normal construction of any structure for a period of more than two years, to raze and remove such structure.

B. Order. All notices and orders shall comply with Section 8.16.070 of this chapter.

C. Failure to Comply. If the owner of a premises fails to comply with a demolition order within the time prescribed, the code official shall cause the structure to be razed and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such razing and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

D. Salvage Materials. When any structure has been ordered razed and removed, the governing body or other designated officer under said contract or arrangement aforesaid shall have the right to sell the salvage and valuable materials at the highest price obtainable. The net proceeds of such sale, after deducting the expenses of such razing and removal, shall be promptly remitted with a

report of such sale or transaction, including the items of expense and the amounts deducted, for the person who is entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state. (Ord. 97-1024 § 1(PM-110))

8.16.110 Means of appeal.

A. Application for Appeal. Any person affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the city manager provided that a written application for appeal is filed within the time allowed to remedy the violation as prescribed in Section 8.16.070D of this chapter or within ten days of the imposition of any emergency measures in Section 8.16.090 of this chapter. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

B. City Manager's Decision. The decision of the city manager shall be final on all appeals of decisions of the code official. (Ord. 97-1024 § 1(PM-111))

Article II. Definitions

8.16.120 General provisions.

A. Scope. Unless otherwise expressly stated, the following terms shall, for the purposes of this code, have the meanings shown in this article.

B. Interchangeability. Words stated in the present tense include the future; words stated in the masculine gender include the feminine

and neuter; the singular number includes the plural and the plural the singular.

C. Terms Defined in Other Codes. Where terms are not defined in this code and are defined in the building, plumbing or mechanical codes listed in Article IV of this chapter, such terms shall have the meanings ascribed to them as in those codes.

D. Where terms are not defined, through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

E. Parts. Whenever the words "dwelling unit," "dwelling," "premises," "building," "rooming house," "rooming unit" or "story" are stated in this code, they shall be construed as though they were followed by the words "or any part thereof." (Ord. 97-1024 § 1(PM-201))

8.16.130 General definitions.

"Approved" means approved by the code official.

Basement. See Section 8.16.150 of this chapter.

"Building" means any structure occupied or intended for supporting or sheltering any occupancy.

"Building code" means the building code officially adopted by the legislative body of this city, or other such codes officially designated by the legislative body of the city for the regulation of construction, alteration, addition, repair, removal, demolition, location, occupancy and maintenance of buildings and structures.

"Code official" means the building official who is charged with the administration and enforcement as specified under ORS 455.150, or any duly authorized representative.

"Condemn" means to adjudge unfit for occupancy.

"Construction documents" means all the written, graphic and pictorial documents prepared or assembled for describing the design, location and physical characteristics of the elements of the project necessary for obtaining a building permit. The construction drawings shall be drawn to an appropriate scale.

Dwellings. See Section 8.16.120E of this chapter.

"Dormitory" means a space in a building where group sleeping accommodations are provided in one room, or in a series or closely associated rooms, for persons not members of the same family group.

"Dwelling unit" means a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

"Hotel" means any building containing six or more guest rooms, intended or designed to be occupied, or which are rented or hired out to be occupied, for sleeping purposes by guests.

"One-family dwelling" means a building containing one dwelling unit with not more than five lodgers or boarders.

"Rooming house" means a building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one-family dwelling or a two-family dwelling.

"Rooming unit" means any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

"Two-family dwelling" means a building containing two dwelling units with not more than five lodgers or boarders per family.

Exterior Property. See Section 8.16.150 of this chapter.

Extermination. See Section 8.16.150 of this chapter.

"Family" means an individual or married couple and the children thereof or other persons related directly to the married couple by blood or marriage; or a group of not more than five unrelated persons, living together as a single housekeeping unit in a dwelling unit.

Garbage. See Section 8.16.150 of this chapter.

Infestation. See Section 8.16.150 of this chapter.

"Inspection certificate" means an identification applied on a product by an approved agency containing the name of the manufacturer, the function and performance characteristics, and the name and identification of an approved agency which indicates that the product or material has been inspected and evaluated by an approved agency.

"Label" means a identification applied on a product by the manufacturer which contains the name of the manufacturer, the function and performance characteristics of the product or material, and the name and identification of an approved agency and which indicates that the representative sample of the product or material has been tested and evaluated by an approved agency.

Let for Occupancy or Let. See Section 8.16.150 of this chapter.

"Manufacturer's designation" means an identification applied on a product by the manufacturer indicating that a product or material complies with a specified standard or set of rules (see also "mark," "label," and "inspection certificate").

"Mark" means an identification applied on a product by the manufacturer indicating the

name of the manufacturer and the function of a product or material (see also "manufacturer's designation," "label," and "inspection certificate.")

"Occupancy" means the purpose for which a building or portion thereof is utilized or occupied.

Occupant. See Section 8.16.150 of this chapter.

Openable Area. See Section 8.16.150 of this chapter.

Operator. See Section 8.16.150 of this chapter.

Owner. See Section 8.16.150 of this chapter.

Person. See Section 8.16.150 of this chapter.

Public Nuisance. See Section 8.16.150 of this chapter.

"Registered design professional" means an architect or engineer, registered or licensed to practice professional architecture or engineering, as defined by the statutory requirements of the professional registration laws of the state in which the project is to be constructed.

Rubbish. See Section 8.16.150 of this chapter.

"Structure" means that which is built or constructed or a portion thereof.

Tenant. See Section 8.16.150 of this chapter.

"Workmanlike" means executed in a skilled manner, e.g., generally plumb, level, square, in line, undamaged, and without marring adjacent work.

Yard. See Section 8.16.150 of this chapter. (Ord. 97-1024 § 1(PM-202))

Article III. General Requirements

8.16.140 General.

A. Scope. The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior property.

B. Responsibility. The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in Sections 8.16.190 and 8.16.200 of this chapter. A person shall not occupy as owner-occupant or permit another person to occupy premises which do not comply with the requirements of this chapter.

C. Vacant Structures and Land. All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety. (Ord. 97-1024 § 1(PM-301))

8.16.150 Definitions.

The following words and terms shall, for the purposes of this chapter and as stated elsewhere in this code, have the meanings shown herein.

"Basement" means that portion of a building which is partly or completely below grade.

"Exterior property" means the open space on the premises and on adjoining property under the control of owners or operators of such premises.

"Extermination" means the control and elimination of insects, rats or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food by poison spraying, fumigating,

trapping or by any other approved pest elimination methods.

"Garbage" means the animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

"Infestation" means the presence, within or contiguous to, a structure or premises of insects, rats, vermin or other pests.

"Let for occupancy" or "let" means to permit, provide or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premises or structure by a person who is or is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale.

"Occupant" means any person living or sleeping in a building; or having possession of a space within a building.

"Operator" means any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

"Owner" means any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

"Person" means an individual, corporation, partnership or any other group acting as a unit.

"Premises" means a lot, plot or parcel of land including any structures thereon.

"Public nuisance" means and includes any of the following:

1. The physical condition or occupancy of any premises regarded as a public nuisance at common law;
2. Any physical condition or occupancy or any premises or its appurtenances considered an attractive nuisance to children, including, but not limited to, abandoned wells, shafts, basements, excavations and unsafe fences or structures;
3. Any premises that has unsanitary sewerage or plumbing facilities;
4. Any premises designated as unsafe for human habitation;
5. Any premises that is manifestly capable of being a fire hazard, or is manifestly unsafe or unsecured so as to endanger life, limb or property;
6. Any premises from which the plumbing, heating or facilities required by this code have been removed, or from which utilities have been disconnected, destroyed, removed or rendered ineffective, or the required precautions against trespassers have not been provided;
7. Any premises that is unsanitary, or that is littered with rubbish or garbage, or that has an uncontrolled growth of weeds; or
8. Any structure that is in a state of dilapidation, deterioration or decay; faulty construction; overcrowded; open, vacant or abandoned; damaged by fire to the extent so as not to provide shelter; in danger of collapse or failure; and dangerous to anyone on or near the premises.

"Rubbish" means combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter,

glass, crockery and dust and other similar materials.

"Tenant" means a person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

"Yard" means an open space on the same lot with a structure. (Ord. 97-1024 § 1(PM-302))

8.16.160 Exterior property areas.

A. Sanitation. All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.

B. Grading and Drainage. All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

Exception: Water retention areas and reservoirs approved by the code official.

C. Sidewalks and Driveways. All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions. Stairs shall comply with the requirements of the appropriate specialty code.

D. Weeds. All premises and exterior property shall be maintained free from weeds or plant growth in excess of ten inches. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers, crops and gardens.

E. Rat Harborage. All structures and exterior property shall be kept free from rat infestation. Where rats are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to prevent re-infestation.

F. Exhaust Vents. Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant.

G. Accessory Structures. All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

H. Motor Vehicles. Except as provided for in other regulations, no currently unregistered or uninspected motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled.

Exception: A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.

I. Offensive Odors.

1. No animal, substance, condition, or process shall be kept, maintained or permitted to exist on a premises that causes an odor detectable at the property line of the premises and which is of such degree, intensity, frequency, and duration that it unreasonably interferes with or unreasonably affects the reasonable and ordinary use and enjoyment by reasonable persons of their homes, yards, business premises, city streets, sidewalks, parks and other public property.

2. Temporary odors infrequently occurring caused by such reasonable and necessary activities as retarring roofs, asphaltic paving, house and building painting, spraying vegetation for insect and pest control, fertilizing lawns shall not be defined as odors constituting a violation of this chapter. Likewise, for purposes of this chapter, odors from cooking food for meals from homes, outside barbecues, and restaurants shall not be deemed unreasonably offensive odors.

3. Evidence of emanation of an odor from an animal, substance, condition or process on the property of the producer continuously for a period of more than one hour, and which causes physical or mental discomfort to reasonable persons, or which causes interference with the customary and ordinary use and enjoyment of reasonable persons' property, public streets, sidewalks, or other public property shall be prima facie evidence of violation of this section.

J. Open Storage of Junk. All premises and exterior property shall be kept free from all used or dismantled household appliances, furniture, vehicle parts, other discards, garbage, junk or refuse. (Ord. 98-1037 § 1; Ord. 97-1024 § 1(PM-303))

8.16.170 Exterior structure.

A. General. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

B. Exterior Painting. All wood and metal surfaces, including but not limited to, window frames, doors, door frames, cornices, porches and trim shall be maintained in good condition. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted.

C. **Street Numbers.** Each structure to which a street number has been assigned shall have such number displayed in a position easily observed and readable from the public right-of-way. All numbers shall be in Arabic numerals at least three inches high and one-half-inch stroke.

D. **Structural Members.** All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.

E. **Foundation Walls.** All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rats.

F. **Exterior Walls.** All exterior walls shall be free from holes, breaks, loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

G. **Roofs and Drainage.** The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and down spouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

H. **Decorative Features.** All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

I. **Overhang Extensions.** All canopies, marquees signs, metal awnings, fire escapes, standpipes, exhaust ducts and similar overhang extensions shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected

from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

J. **Stair and Walking Surfaces.** Every stair, ramp, balcony, porch, deck or other walking surface shall comply with the provisions of the applicable adopted specialty code.

K. **Stairways, Decks, Porches and Balconies.** Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

L. **Chimneys and Towers.** All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

M. **Handrails and Guards.** Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads of two hundred (200) pounds per square foot and shall be maintained in good condition.

N. **Window and Door Frames.** Every window, door and frame shall be kept in sound condition, good repair and weather tight.

1. **Glazing.** All glazing materials shall be maintained free from cracks and holes.

2. **Openable Windows.** Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

O. **Insect Screens.** Every door, window and other outside opening utilized or required for ventilation purposes serving any structure containing habitable rooms, food preparation areas, food service areas, or any areas where

products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less than sixteen (16) mesh per inch and every swinging door shall have a self-closing device in good working condition.

Exception: Screen doors shall not be required where other approved means, such as air curtains or insect repellent fans are employed.

P. Doors. All exterior doors and hardware shall be maintained in good condition. Locks at all entrances to dwelling units, rooming units and guest rooms shall tightly secure the door.

Q. Basement Hatchways. Every basement hatchway shall be maintained to prevent the entrance of rats, rain and surface drainage water.

R. Guards for Basement Windows. Every basement window that is openable shall be supplied with rat proof shields, storm windows or other approved protection against the entry of rats. (Ord. 97-1024 § 1(PM-304))

8.16.180 Interior structure.

A. General. The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Every occupant shall keep that part of the structure which such occupant occupies or controls in a clean and sanitary condition. Every owner of a structure containing a rooming house, a hotel, a dormitory, two or more dwelling units or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.

B. Structural Members. All structural members shall be maintained structurally sound, and be capable of supporting the imposed loads.

C. Interior Surfaces. All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling paint, cracked or loose plaster, decayed wood, and other defective surface conditions shall be corrected.

D. Lead-Based Paint. Interior and exterior painted surface of dwellings and child and day care facilities, including fences and outbuildings, which contain lead levels equal to or greater than 1.0 milligram per square centimeter or in excess of 0.50 percent lead by weight shall be maintained in a condition free from peeling, chipping and flaking paint or removed or covered in an approved manner. Any surface to be covered shall first be identified by approved warnings as to the lead content of such surface.

E. Stairs and Railings. All interior stairs and railings shall be maintained in sound condition and good repair.

F. Stairs and Walking Surfaces. Every stair, ramp, balcony, porch, deck or other walking surface shall comply with the provisions of the applicable specialty code.

G. Handrails and Guards. Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads of two hundred (200) pounds per square foot and shall be maintained in good condition. (Ord. 97-1024 § 1(PM-305))

8.16.190 Rubbish and garbage.

A. Accumulation of Rubbish or Garbage. All exterior property and premises, and the

interior of every structure shall be free from any accumulation of rubbish or garbage.

B. Disposal of Rubbish. Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers.

1. Rubbish Storage Facilities. The owner of every occupied premises shall supply approved covered containers for rubbish, and the owner of the premises shall be responsible for the removal of rubbish.

C. Disposal of Garbage. Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage container.

1. Garbage Facilities. The owner of every dwelling shall supply one of the following: an approved mechanical food waster grinder in each dwelling unit; an approved incinerator unit in the structure available to the occupants in each dwelling unit; or an approved leak proof, covered, outside garbage container.

2. Containers. The operator of every establishment producing garbage shall provide, and at all times cause to be utilized, approved leak proof containers provided with close-fitting covers for the storage of such materials until removed from the premises for disposal. (Ord. 97-1024 § 1(PM-306))

8.16.200 Extermination.

A. Infestation. All structures shall be kept free from insect and rat infestation. All structures in which insects or rats are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent re-infestation.

B. Owner. The owner of any structure shall be responsible for extermination within the structure prior to renting or leasing the structure.

C. Single Occupant. The occupant of a one-family dwelling or of a single-tenant nonresidential structure shall be responsible for extermination on the premises.

D. Multiple Occupancy. The owner of a structure containing two or more dwelling units, a multiple occupancy, a rooming house or a nonresidential structure shall be responsible for extermination in the public or shared areas of the structure and exterior property. If infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupants shall be responsible for extermination.

E. Occupant. The occupant of any structure shall be responsible for the continued rat-free condition of the structure, and if the occupant fails to maintain the rat-free condition, the cost of extermination shall be the responsibility of the occupant.

Exception: Where rat infestations are caused by defects in the structure, the owner shall be responsible for extermination. (Ord. 97-1024 § 1(PM-307))

Article IV. Reference Standards

8.16.210 References.

ASME—American Society of Mechanical Engineers
345 East 47th Street
New York, NY 10017

—Safety Code for Elevators & Escalators with 1994 Addenda

Codes*

Building Officials and Code
Administrators International, Inc.
4051 West Flossmoor Road
Country Club Hills, IL 60478-5795

- BOCA National Building Code
- BOCA National Fire Prevention Code
- ICC International Mechanical Code
- ICC International Plumbing Code with
1996 Supplement

* All BOCA & ICC publications are avail-
able from BOCA

NFPA—National Fire Protection
Association
Batterymarch Park
Quincy, MA 02269

—National Electric Code
(Ord. 97-1024 § 1 (Ch. 4))